

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DENINE MOSES

Petitioner,

v.

//

CIVIL ACTION NO. 1:06CV175
CRIMINAL ACTION NO. 1:03CR54
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 8, 2006, pro se petitioner, Denine Moses, ("Moses") filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2255. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09.

On June 19, 2008, Magistrate Judge Kaull issued an R&R recommending that this Court deny and dismiss Moses's petition with prejudice. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Moses failed to file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (civil dkt. no. 8; criminal dkt. no. 45), **GRANTS**

¹ Moses's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING REPORT AND RECOMMENDATION

the respondent's motion to dismiss (civil dkt. no. 5; criminal dkt. no. 39), **DENIES** the Petition for Writ of Habeas Corpus (civil dkt. no. 1; criminal dkt. no. 35), and **DISMISSES** this case **WITH PREJUDICE**. The Clerk is ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and to transmit copies of this Order to counsel of record.

Dated: August 25, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE